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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **(SAN FRANCISCO DIVISION)**

14 ZHIYUAN MIAO, a.k.a., MIKE MIAO,
15 Plaintiff,

16 vs.

17 PREFERRED RESTAURANT BRANDS, INC.
18 (formerly KCI INVESTMENT LLC), KCI
19 RESTAURANT II LLC, KENNETH ANTOS,
20 XINMIN LIU (a.k.a. MIKE LIU), RICHARD
21 GROBERG, and DOES 1-20, inclusive,
22 Defendants.

Case No. 5:18-cv-02397-NC

NOTICE OF VOLUNTARY DISMISSAL;
~~PROPOSED~~ ORDER



1 WHEREAS, Plaintiff Zhiyuan Miao (“Miao”) filed a complaint on December 3, 2015 naming
2 Preferred Restaurant Brands, Inc. (“PRB”), KCI Restaurant II LLC (“KCI”), Kenneth Antos
3 (“Antos”), Xinmin Liu (“Liu”), and Richard Groberg (“Groberg”) as defendants;

4 WHEREAS, Miao reached a settlement with Groberg, Groberg was severed from the action,
5 and Miao dismissed his action against Groberg without prejudice on April 28, 2017;

6 WHEREAS, PRB, KCI, and Antos, who have default entered against them, were severed
7 from the case on March 7, 2018 to allow Miao to proceed to trial against Liu;

8 WHEREAS, Miao proceeded to a final judgment at trial against Liu and judgment was
9 entered on April 11, 2018;

10 WHEREAS, Miao wishes to dismiss his claims against PRB, KCI, and Antos;

11 WHEREAS, PRB, KCI, and Antos have not served either an answer or a motion for summary
12 judgement;

13 WHEREAS, Federal Rule of Civil Procedure 41(a)(1)(A)(i) gives a plaintiff the absolute right
14 to dismiss an action by filing “a notice of dismissal before the opposing party serves either an answer
15 or motion for summary judgment”;

16 NOW, THEREFORE, Miao files this notice of his dismissal of his claims, without prejudice,
17 against Preferred Restaurant Brands, Inc. (formerly KCI Investment LLC), KCI Restaurant II LLC,
18 and Kenneth Antos and respectfully requests the Court so order said dismissal.

19
20 DATED: May 2, 2018

LiLAW INC.

21 By /s/ J. James Li

22 J. James Li, Ph.D.

23 Andrew Pierz

24 Counsel for Plaintiff Zhiyuan Miao
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~~[PROPOSED]~~ ORDER OF DISMISSAL

Pursuant to plaintiff's notice of voluntary dismissal and Federal Rule of Civil Procedure 41(a)(1)(A)(i), Defendants Preferred Restaurant Brands, Inc. (formerly KCI Investment LLC), KCI Restaurant II LLC, and Kenneth Antos are hereby DISMISSED from the action WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: May 2, 2018

